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Date:

June 9, 2004

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USPTO - Mail Stop Petition

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703-308-6919

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Kathryn L. Coulter, Patent Agent

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Number of Pages: (including cover page)

8

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USER CODE:	coulk	REQUESTED BY:	WAGNW
CLIENT/MATTER:	040989/237225	OPERATOR:	

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Attorney's Docket No. 040989/237225 (9280-12)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Stomp et al.	Confirmation No.	8799
Appl. No.:	09/915,873	Group Art Unit:	1638
Filed:	July 26, 2001	Examiner:	Helmer, Georgia L.
For:	EXPRESSION OF BIOLOGICALLY ACTIVE POLYPEPTIDES IN DUCKWEED		

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REINSTATEMENT OF PATENT TERM ADJUSTMENT
UNDER 37 CFR § 1.705 (C)**

Applicants hereby request a correction of the number of days indicated as "Applicant Delay" on the Determination of Patent Term Adjustment sent with the Notice of Allowance for the above-referenced application. According to the Determination of Patent Term Adjustment, Applicants lost 49 days of patent term adjustment due to the date of receipt of Applicants' response to a Notice to File Missing Parts. However, this delay was solely the result of United States Postal Service delays due to anthrax-related decontamination. The Notice to File Missing Parts was dated September 13, 2001, and Applicants' response was mailed with a certificate of mailing on November 13, 2001 but was not received by the Patent Office until January 16, 2002 (according to the return postcard; copy attached) or January 31, 2002 (according to PAIR; copy of PAIR record attached). According to the Official Gazette dated January 15, 2002, the Office will consider the USPS mail delays occurring between October 13, 2001 and December 1, 2001 as sufficient showing that, in spite of all due care, the applicant was unable to reply to the Office action within three months of the date of mailing and the Office will waive the requirements of 37 CFR 1.705 (including fees) if the USPS mail delays are the sole basis for requesting the change to the patent term adjustment.

As required by the Notice, Applicant includes a Secretary's Log of PTO Mailings, a copy of the PAIR content record and the stamped return postcard as well as a copy of the response

showing the certificate of mailing. Applicant respectfully requests that the patent term adjustment be recalculated and the 49 days of patent term be reinstated.

Applicant asserts that the USPS mail delay is the sole basis for the late arrival of the response and therefore no fee is believed due, however, should a fee be necessary the fee is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Kathryn L. Coulter

Kathryn L. Coulter
Registration No. 45,889

CUSTOMER NO. 00826
ALSTON & BIRD LLP
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office
Fax No. (703) 308-6916 on the date shown below.

Wendy L. Wagner
Wendy L. Wagner

6/9/04

Date

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SECRETARY'S LOG OF PTO MAILINGS/STAMPED POST CARD RETURNS

Date	Patent Docket No.	Document Transmitted to PTO	Docket Sheet Marked--to Docketing	Client Advised	Stamped Post Card Return
11/5/01	35800/240750 (5800-55A)	DIV App w/ Fee + Copy of Parent			
		Dec + Paper Sep, Req For New	11/5/01	11/5/01	11/5/01
		PUBLICATION - Req For TRANSFER OF			
		PARENT ORF Sep; IDS, 1449 +			
		8 Refs			
11/5/01	5800-94	Resp to RR	11/5/01	11/5/01	1/10/02
11/5/01	5800-89	Supplemental Amendment	11/5/01	11/5/01	Faxed
11/7/01	5784-65 PP 1416-903	Utility App w/ Fee + 20 Shrs Dwg	11/7/01	11/7/01	11/7/01
11/8/01	5800-89	Request For Refund (*110)	11/9/01	No	1/15/02
11/8/01	5800-89	Request For Refund of Filing Fee (1958)	11/9/01	NO	1/15/02
11/8/01	5800-105A	Supp IDS w/ISR, 1449 + 11 Refs	11/8/01	11/8/01	1/28/02
11/8/01	5800-105	Supp IDS w/ISR, 1449 + 11 Refs	11/8/01	11/8/01	12/17/01
11/8/01	5800-37	Supp IDS w/ . . 1449 + 11 Refs	11/8/01	11/8/01	1/17/01
11/8/01	5800-78	IDS w/ISR, 1449 + 5 Refs	11/8/01	11/8/01	
11/13/01	5800-92	Resp to RR, Prelim Amend,			1/3/02
		Supp IDS w/ISR, 1449 + 2 Refs			
11/13/01	9280-12	Resp to NTFMP w/ Dec, 745	11/13/01	11/13/01	1/16/02
		Searchg; IDS, 1449 + 8 Refs			
11/13/01	9280-12	Assignment Recordation	11/13/01	11/13/01	1/11/02
11/13/01	5718-107	Response to RR	11/13/01	11/13/01	1/3/02
11/13/01	5800-47	Amendment After Final +	11/13/01	11/13/01	1/4/02
		Notice of Appeal			
11/13/01	35721/239475 (5721-17)	Utility App w/ 7496 Sm Entity	11/13/01	11/13/01	11/13/01
		Fee, New Pub Req + 5 Dwg			
11/14/01	5800-31	Amend After Final + Notice of Appeal	11/14/01	11/14/01	1/2/02
11/15/01	0866 (5718-133)	Amend + Remarks w/ Fee Calc + 736	11/15/01	11/15/01	no postcard but on issued 3/11/02
11/15/01	5800-78	IDS, 1449, Search Rpt + 5 Refs	11/15/01	11/15/01	1/24/02

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Attorney's Docket No. 40989/237225(9280-12)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Stomp et al
Appl No.: 09/915,873
Filed: July 26, 2001
For: EXPRESSION OF BIOLOGICALLY ACTIVE POLYPEPTIDES IN DUCKWEED

Confirmation No.: 8799

November 13, 2001

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

**RESPONSE TO NOTICE TO
FILE MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice to File Missing Parts of Application dated September 13, 2001,
enclosed are the following:

- ☒ Part 2 of Formalities Letter or Form PTO-1533
(Notice to File Missing Parts of Application)
- ☒ Declaration and Power of Attorney for the above-identified application which has been
executed by the named inventor(s)
- ☒ Applicant claims small entity status
- ☒ Check in the amount of \$65 to cover the surcharge under 37 C.F.R. § 1.16(e)
- ☐ English Translation and \$130.00 (37 CFR 1.17(k)) fee for filing late.
- ☒ Other; Information Disclosure Statement; PTO Form 1449; 8 cited references

Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

Kathryn L. Coulter

Kathryn L. Coulter
Registration No. 45,889

Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box Missing Parts , Commissioner for Patents, Washington, DC 20231, on November 13, 2001. <i>Nora C. Martinez</i> Nora C. Martinez
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RTA01/2105965v1

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Commissioner For Patents
Washington, DC 20231

Date Mailed: 11/13/2001

Atty. Dkt. No. 40989/237225(9280-12)

Application No. 09/915,873; Filing Date July 26, 2001

Inventor(s): Stonip et al.; Title of Invention: EXPRESSION OF
BIOLOGICALLY ACTIVE POLYPEPTIDES IN DUCKWEED

Documents Enclosed: Part 2 of Formalities Letter dated 9/13/2001; Response to
Notice to File Missing Parts; Executed Declaration (3 pages); Information
Disclosure Statement, PTO Form 1449 and 8 References

Check Enclosed \$65

Kindly acknowledge receipt by placing office stamp hereon and
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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 09/915,873

			Days
Filing or 371(c) Date:	07-26-2001	USPTO Delay (PTO):	129
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	55
Post-Issue Petitions (days):	+0	Total PTA:	74
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Assignments
Continuity Data
Image File Wrapper
File History
Publication Review
Published Documents

Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
06-02-2004	Mail Notice of Allowance		
06-01-2004	Issue Revision Completed		
06-01-2004	Notice of Allowance Data Verification Completed		
06-01-2004	Case Docketed to Examiner in GAU		
06-01-2004	Notice of Allowability		
04-09-2004	Date Forwarded to Examiner		
04-05-2004	Amendment/Argument after Notice of Appeal		
04-05-2004	Notice of Appeal Filed		
04-05-2004	Workflow Incoming amendment IFW		
01-05-2004	Mail Final Rejection (PTOL - 326)	122	
12-29-2003	Final Rejection	1	
10-21-2003	Date Forwarded to Examiner	1	
05-05-2003	Response after Non-Final Action	1	6
06-17-2003	CRF Is Good Technically / Entered into Database		1
01-29-2003	Mail Non-Final Rejection		1
01-27-2003	Non-Final Rejection		
11-12-2002	Information Disclosure Statement (IDS) Filed		1
11-14-2002	Date Forwarded to Examiner		1
11-12-2002	Response to Election / Restriction Filed		1
10-03-2002	Mail Restriction Requirement	7	
10-01-2002	X-Post-Legal Complete Rejection	1	

09-30-2002	Requirement for Restriction / Election	↑	
05-17-2002	X-Pre-Legal Complete New Case	↑	
05-17-2002	Case Docketed to Examiner In GAU	↑	
04-24-2002	Information Disclosure Statement (IDS) Filed	↑	
01-06-2002	Information Disclosure Statement (IDS) Filed	↑	
02-01-2002	Application Dispatched from OIPE	↑	
01-31-2002	Application Is Now Complete	↑	49
09-13-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
09-10-2001	Correspondence Address Change	↑	
08-29-2001	CRF Is Good Technically / Entered Into Database	↑	
08-06-2001	IFW Scan & PACR Auto Security Review	↑	
07-26-2001	CRF Disk Has Been Received by Preexam / Group / PCT	↑	
07-26-2001	Initial Exam Team nn	↑	